

## Message Text

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ACTION ORM-02

INFO OCT-01 EA-07 IO-13 ISO-00 EUR-12 DHA-02 VO-03 SCA-01

SY-05 CIAE-00 FBIE-00 INSE-00 NSAE-00 DEAE-00 DODE-00

SSO-00 ( ISO ) W

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O R 270925Z AUG 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC IMMEDIATE 4384

USMISSION GENEVA IMMEDIATE

AMEMBASSY JAKARTA IMMEDIATE

INFO AMEMBASSY BANGKOK

AMEMBASSY BONN

AMEMBASSY CANBERRA

AMCONSUL HONG KONG

AMEMBASSY MANILA

AMEMBASSY RANGOON

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON 1345

USMISSION USUN NEW YORK

C O N F I D E N T I A L KUALA LUMPUR 4928

E.O. 11652: GDS

TAGS: SREF MY

SUBJ: VIETNAMESE REFUGEE PHUNG VAN, FAMILY OF EIGHT, AND OTHER  
BOAT CASES: MALAYSIAN SITUATION WORSENS

REF: (A) STATE 212406 (NOTAL), (B) STATE 212638 (NOTAL), (C)  
GENEVA 6780 (NOTAL), (D) KUALA LUMPUR 4888, (E) KUALA LUMPUR 4673,  
(F) KUALA LUMPUR 4535

1. SUMMARY AND INTRODUCTION. THIS MESSAGE RESPONDS TO REFTEL A  
REQUEST FOR SPECIFIC INFORMATION ON SUBJECT FAMILY AND GENERAL  
UPDATE OF SITUATION RE BOAT CASES HERE. IN BRIEF, GOM APPARENTLY  
IS ADHERING TO HARDLINE VIEW AND WILL NOT ALLOW NEW BOAT LOADS TO  
LAND. MFA INFORMED US TODAY (AUG 27) THAT BOAT WITH 95 ABOARD THAT  
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HAD ARRIVED AT KUALA TRENGGANU JULY 25 WILL "BE REPAIRED AND

ALLOWED TO CONTINUE ITS JOURNEY" IMMINENTLY, ALTHOUGH SUBJECT FAMILY WILL BE ALLOWED TO REMAIN ASHORE UPON RECEIPT OF "WRITTEN GUARANTEES" U.S. WILL ACCEPT THEM (WHICH WE OF COURSE CANNOT PROVIDE). MEANWHILE UNHCR REP SAMPATKUMAR IS NOT RPT NOT AVAILABLE TO PRESS CASE FOR 95 SINCE HE IS OFF DEALING WITH SIMILAR CRISIS IN INDONESIA. AS NOTED PARA 4 REF D, WE HAVE NOT RPT NOT RECEIVED ANY INFORMATION FROM UNHCR REP REGARDING BOATLOAD OF 95 OR ANY OTHERS ARRIVING SINCE WE INTERVIEWED REFUGEES IN MID-JUNE. IN LIEU OF INFORMATION WE HAVE HESITATED TAKE INITIATIVE, SINCE BY SO DOING WE DETER OTHERS, PARTICULARLY UNHCR, FROM ASSUMING RESPONSIBILITY AND UNDERMINE EFFORTS TO INTERNATIONALIZE PROBLEM. SINCE WE NOW HAVE SPECIFIC EVIDENCE POSSIBLY QUALIFYING REFUGEES MAY BE AMONG THE 95 WE ARE REQUESTING ACCESS TO THEM AND PLAN TO SEND AN OFFICER TO THE EAST COAST AGAIN TO CONDUCT INTERVIEWS AS SOON AS POSSIBLE, ALTHOUGH THIS DOES UNDERMINE LONG TERM "INTERNATIONALIZATION" PRINCIPLE. WE SHARE FULLY SENSE OF URGENCY THAT VIGOROUS ACTION BY UNHCR WITH COUNTRIES OF FIRST ASYLUM IS IMPERATIVE IF TRAGEDY IS TO BE AVERTED WHILE A LONGER TERM AND MORE REGULARIZED SOLUTION IS SOUTH. END SUMMARY/ INTRODUCTION.

2. MFA ASSISTANT, SECRETARY SOUTHEAST ASIA II SHAMSUDDIN BIN ABDULLAH TELEPHONED EMBASSY TODAY, STATED THAT THE BOAT WHICH BROUGHT THE 95 REFUGEES TO MALAYSIA JULY 25 WAS ALMOST REPAIRED, AND SHORTLY WOULD BE "ALLOWED" TO CONTINUE ON ITS WAY. HE SAID THAT IF WE WANTED THE EIGHT PEOPLE THAT MR. ROBERT GIBSON(AID OFFICIAL) HAD SEEN (REF A) THEY WOULD BE ALLOWED TO REMAIN IF WE SENT A LETTER GUARANTEEING THE U.S. WOULD ACCEPT THEM. EMBOFF REPLIED THAT (A) IT WOULD BE TRAGIC IF THESE PEOPLE WERE FORCED BACK TO SEA AND (B) WE COULD NOT "GUARANTEE" ACCEPTANCE OF THE EIGHT; FURTHERMORE, THERE COULD BE OTHERS THERE WITH U.S. TIES, SINCE DESPITE THEIR BEING IN MALAYSIA FOR OVER A MONTH WE HAD NOT RPT NOT RECEIVED ANY INFORMATION, SUCH AS LISTS OF NAMES OR EVEN GENERAL BIOGRAPHIC DATA, FROM UNHCR OR MALAYSIAN AUTHORITIES. SHAMSUDDIN RESPONDED THAT POLICY STILL WAS BEING MADE BY OFFICIALS AT THE PRIME MINISTER'S DEPARTMENT (I.E., THE NATIONAL SECURITY COUNCIL--NSC) AND THEY WERE FIRM IN THEIR DETERMINATION NOT RPT NOT TO CONFIDENTIAL

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ALLOW REFUGEES TO STAY. ASKED WHETHER SAMPATKUMAR HAD DELIVERED UNHCR APPEAL RE FIRST ASYLUM (SEE REF E), SHAMSUDDIN SAID IT HAD BEEN DELIVERED TO MFA AND CONVEYED TO NSC. ASKED WHAT SAMPATKUMAR WAS DOING ABOUT THE 95, SHAMSUDDIN NOTED ONLY THAT FORMER WAS AWAY, "PROBABLY IN SINGAPORE (SIC)".

3. WE NOW PREPARED, DESPITE OUR RESERVATIONS, ONCE AGAIN TO TAKE THE INITIATIVE INTERVIEWING BOAT CASES, IN THIS

INSTANCE THE 95, BECAUSE IT MAY BE THE ONLY WAY TO OBTAIN INFORMATION ON THE FAMILY OF EIGHT, AS WELL AS ANY OTHERS WITH TIES TO THE U.S. ON POSITIVE SIDE WE CAN SHARE THIS INFO WITH OTHER MISSIONS HERE. THIS ALSO MAY BE THE ONLY MEANS OF BUYING TIME FOR PRINCIPLE OF FIRST ASYLUM TO BE ESTABLISHED WITH THIS BOATLOAD, SINCE OUR EARLIER OPTIMISM IN THIS REGARD (PARA 4 REF F) APPARENTLY WAS UNFOUNDED.

4. CRITICAL CHOICES, HOWEVER, REMAIN: EITHER AN INTERNATIONAL APPROACH WITH THE UNHCR ENERGIZED TO PRESS THE CASE WITH VIGOR (ANC CONTINUITY, IN LIGHT OF UNFORTUNATE ABSENCES OF SAMPATKUMAR), U.S. ASSUMPTION OF SOLE INITIATIVE TO ACCEPT REFUGEES (AND A CONCOMITTANT RECEIPT OF PROGRAM AUTHORIZATION FROM CONGRESS); OR EVERYONE TURNING THEIR BACK ON THE PROBLEM, LEAVING THE ULTIMATE SOLUTION TO THE VICISSITUDES OF THE HIGH SEAS. WHAT IS NEEDED, WE FEEL, IS WILLINGNESS BY UNHCR REP FORCEFULLY TO PERFORM ROLE OF ADVOCATE OF HUMANITARIAN PRINCIPLES. WHILE DIPLOMATIC TACT IS ESSENTIAL, OUR IMPRESSION IS THAT SAMPATKUMAR MAY BE OVERLY DIPLOMATIC AND INSUFFICIENTLY AGGRESSIVE IN URGING GOM TO ACCEPT "FIRST ASYLUM" CONCEPT AND IN SEEKING INFORMATION ON NEW BOAT ARRIVALS. SINCE THERE IS IMMEDIATE NEED FOR FORCEFUL UNHCR PRESENCE ON THE SPOT (INDEED, ON SEVERAL SPOTS) IS IT POSSIBLE FOR UNHCR TO HIRE CONTRACT PERSONNEL OR SEEK SECONDING OF PERSONNEL FROM OTHER AGENCIES TO AUGMENT ITS SEA STAFFING? AS THIS CABLE IS BEING TYPED WE HAVE RECEIVED INFORMATION (JAKARTA 11242) THAT REFUGEE BOAT "CHOU LONG" NOW IS BOUND FOR EAST COAST OF MALAYSIA, HAVING BEEN REFUSED LANDING IN INDONESIA. THIS INCREASES URGENCY FOR UNHCR TO PRESS "FIRST ASYLUM PRINCIPLE" WITH GOM. FINALLY, IT ALSO WOULD SEEM APPROPRIATE FOR UNHCR REP TO ASSUME INITIATIVE IN CALLING TOGETHER MEETING OF LOCAL REPRESENTATIVES OF COUNTRIES WHICH RECEIVED UNHCR APPEAL RE PERMANENT RESETTLEMENT IN ORDER TO SHARE INFORMATION

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ON EACH OTHER'S PROGRAMS.

FOR JAKARTA: PLEASE PASS GIST OF PARAS ONE AND TWO TO SAMPATKUMAR, WHO MISS FRASER OF HIS OFFICE HERE TELLS US IS STAYING AT THE BOROBODUR HOTEL IN JAKARTA. SHE WAS VERY SURPRISED TO LEARN OF DEVELOPMENT RE THE 95, SINCE THEIR OFFICE HAD BELIEVED GOM WOULD PERM IT THEM TO STAY PENDING PERMANENT RESETTLEMENT. SHE SAID SHE WOULD TRY T O PASS INFORMATION TO SAMPATKUMAR BUT SAID SHE WOULD BE GRATEFUL OF WE COULD DO LIKEWISE.

UNDERHILL

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## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
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**Disposition Case Number:** n/a  
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**TAGS:** SREF, MY, (PHUNG VAN)  
**To:** STATE GENEVA  
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